

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ROBERT GIL and	§	
GABINO DELGADO, On Behalf of	§	
Themselves and Others Similarly Situated,	§	CIVIL ACTION NO.
	§	
Plaintiffs,	§	SA-07-CV-0149 FB
v.	§	
	§	
DESIGN SHUTTERS, INC.,	§	
	§	
Defendant.	§	

ORDER GRANTING MOTION TO QUASH

The matter before the Court is plaintiffs’ motion to quash deposition and defendant’s response (docket ## 32 and 33).

By their motion plaintiffs ask the court to quash a deposition on written questions noticed after the discovery deadline. Defendant responds that the discovery became critical after plaintiff Gil testified at his August 6 deposition that he arrived at work well before normal working hours. The additional discovery – noticed on August 27 – directs the defendant’s security company to answer questions about the alarm activation/deactivation during the relevant time period.

This case was filed in February 2007. The discovery deadline was July 1, 2009. That date was extended until August 14 for the limited purpose of deposing the plaintiffs. Months before the August 6 deposition plaintiff Gil responded to interrogatories that he worked 60 hours a week. Defendant neglected to press Gil on the particulars of his overtime until his August 2009 deposition. Clearly the discovery directed to the security company is relevant; but just as surely it is untimely.

In July 2009 the court declined to extend the discovery period beyond August 14 and the discovery allowed pursuant to the order granting the extension of time was limited to plaintiff's depositions only. The court advised the parties that they could conduct discovery beyond that deadline but that the court would not intervene except in extraordinary circumstances. This is not one.

For these reasons, the motion to quash deposition is ORDERED GRANTED.

SIGNED on September 28, 2009.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", is written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE